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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,048	04/04/2006	Teh-Hsun B. Chen	6395-66078-03	5962
46135 7590 01/14/2008 KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET SUITE 1600 PORTLAND, OR 97204			EXAMINER RAEVIS, ROBERT R	
			ART UNIT 2856	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/575,048

**Applicant(s)**

CHEN ET AL.

**Examiner**

Robert R. Raevis

**Art Unit**

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-21 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-21, 34-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

Action mailed 10-9-07 is withdrawn in view of the previously filed amendment of 10-5-07.

Claims 12-21,34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1,12,34; what does “air” mean? The specification states (p. 5, lines 23-24) that air may “include any gas”, which suggests something other (ex.. exhaust gas in an exhaust pipe) than air. Part of the difficulty here is that “the term “ includes” means “comprises” “ (p. 5, line 18), expressly suggestive that the air may be “any gas”. Is this Applicant’s intent? Also, what does “conduit” mean? Para 44 (of 20070068223) suggests that lines 48 and 50 are “passageway or conduit”. Is there a difference between the two? Isn’t a conduit an elongated tube that has a passageway, and thus is something different from the illustrated passageways 48,50 in the figures? Does the claim mean that it’s limited to a retaining member that includes a few tubular members (i.e. conduits) therein? Does the application use the terms passageway and conduit interchangeably, such that a conduit is any passageway (including a passageway in a large block)?

As to claim 15, which of the two air outlet conduits does “the air-outlet conduit” refer back to? One, the other, or both, or either?

As to claim 22, what does “air” mean? The specification states (p. 5, lines 23-24) that air may “include any gas”, which suggests something other (ex.. exhaust gas in an exhaust pipe)

than air. Part of the difficulty here is that “the term “ includes” means “comprises” “ (p. 5, line 18), expressly suggestive that the air may be “any gas”. Is this Applicant’s intent?

As to claim 30, “the analysis” can be the same as the “analysis” (of claim 22), as the “analysis” of claim 22 is of “the particles” (last line of claim 22) that were separated in the first collection vessel. In effect, the particles that are “still in the second collection vessel” are not “the particles separated from the air” (of last line of claim 22), as all of the particles exiting the first collection vessel (and thus those that “are separated from the air” of claim 1) are not “still in the second collection vessel” (last line of claim 30). Possibly, “27” (line 1) should read – 29 --.

As to claim 38, “microcentrifuge tube” lacks antecedent basis.

As to claim 34, what does “*airborne*” (italics added) mean? Is air really air?

As to claim 36, what does “conduit” mean? Does it mean a passageway, or are there really two tube/lines within the fitting?

As to claim 39, “the cyclone device” lacks antecedent basis.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Definition of “microcentrifuge tubes”, p. 3 of  
[http://en.wikipedia.org/wiki/Laboratory\\_centrifuge](http://en.wikipedia.org/wiki/Laboratory_centrifuge).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevs whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 5:30am to 3pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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